

Council Action on P.cod LLP – Excerpted from the April 2000 NPFMC Council newsletter

The Council approved the following program for applying Pacific cod endorsements to vessels with appropriate levels of historic participation in the BSAI fixed gear cod fishery. This will be Amendment 67 to the BSAI Groundfish Plan. Required catch history to earn a Pacific cod endorsement was defined for the freezer longline, longline catcher vessel, pot catcher processor, and pot catcher vessel sectors. Historic participation requirements for each of those sectors is outlined below:

Qualification Criteria

Freezer Longline: Vessels with a catcher processor endorsement on their BSAI license must have made 270 mt of landings in the directed commercial BSAI Pacific cod fishery (excluding discards) in any one of the years 1996, 1997, 1998, or 1999. *Note that the 270 mt level was arrived at using a base amount of 300 mt and allowing for a 10 percent variation in catch history (300 - 30 = 270).*

Longline Catcher Vessels: No action was taken for vessels less than 60' LOA at this time. Vessels less than 60' do not need a Pacific cod endorsement to fish cod in the BSAI, however they must meet the requirements of the LLP as passed by the Council or as currently in place. Vessels greater than or equal to 60' LOA must have made at least 7.5 mt of cod landings in the directed commercial BSAI Pacific cod fishery (excluding discards) in any one year 1995, 1996, 1997, 1998, or 1999. Landings of Pacific cod made with jig gear (by vessels of any length) would count towards qualification for the Pacific cod endorsement as if they had been made with longline gear.

Pot Catcher Vessels: No action was taken for vessels less than 60' LOA at this time. Vessels less than 60' do not need a Pacific cod endorsement to fish cod in the BSAI, however they must meet the requirements of the LLP as passed by the Council or as currently in place. Pot catcher vessels greater than or equal to 60' LOA must have made over 100,000 lbs. of landings in the directed commercial BSAI Pacific cod fishery (excluding discards) in each of any two of the years 1995, 1996, 1997, 1998, or 1999. Landings of Pacific cod made with jig gear (by vessels of any length) would count towards qualification for the Pacific cod endorsement as if they had been made with longline gear.

Pot Catcher Processors: Pot vessels with a catcher processor endorsement must have made at least 300,000 lbs. of landings in the directed commercial BSAI Pacific cod fishery (excluding discards) in each of any two of the years 1995, 1996, 1997, or 1998.

Other Issues

Grandfather provisions: The Council voted ***not*** to include the grandfather provision for catcher processor vessels that were purchased between July 1, 1997 and December 31, 1998. The Council approved the Advisory Panel recommendation that vessels that sank after January 1, 1995 would be allowed to

combine the catch history of the vessel that sank with the history of the replacement vessel, as long as: (1) The sunken vessel was LLP qualified, (2) A sunken vessel is replaced with a qualified replacement vessel within the normal time allowed by the IRS, and (3) Owner of the replacement vessel after combining catch histories must meet the qualifying criteria for that gear sector.

No other combining of catch histories would be allowed in order to meet the Pacific cod endorsement requirements on a license. The Council also acknowledged that if a vessel met the requirements for a fixed gear BS or AI license and the Pacific cod endorsement requirements before sinking, that vessel would be allowed to transfer the general license and Pacific cod endorsement to any vessel within the regulations of the current LLP. The Pacific cod endorsement(s) will not be severable from a general license, just as area endorsements are currently non-severable.

Hardship Provisions: The Council also outlined the process for considering hardship provisions as adapted from 50 CFR Section 679.4(k)(8)(iv), which applies to eligibility determinations under the "original" LLP program. The clause that would apply to such determinations under the LLP BSAI Pacific cod endorsement amendment would contain the following provisions:

A qualified person who holds a BSAI groundfish license issued under the LLP, but whose vessel was unable to meet all the criteria required for a BSAI Pacific cod endorsement under this amendment because of an unavoidable circumstance (i.e., the vessel was lost, damaged, or otherwise unable to participate in the license limitation groundfish or crab fisheries) may receive an endorsement if the qualified person is able to demonstrate that:

- The owner of the vessel at the time of the unavoidable circumstance held a specific intent to use the vessel to conduct directed fishing for BSAI Pacific cod during the relevant time period(s) or to make harvests sufficient to meet the thresholds established by this amendment; and
- The specific intent was thwarted by a circumstance that was (1) unavoidable, and (2) unique to the owner of that vessel or unique to the vessel, and (3) unforeseen and reasonably unforeseeable to the owner; and (4) a general statement such as “generated a weather-related safety concern reflecting a significant impact to the crew and vessel.”
- Under the circumstances, the owner of the vessel took all reasonable steps to overcome the circumstances; and
- Any amount of BSAI Pacific cod was harvested on the vessel in the BSAI during the recency period for that vessel type and that such harvest of Pacific cod occurred after the vessel was prevented from participating by the unavoidable circumstance but before April 16, 2000.

Harvest of CDQ Pacific Cod: CDQ Pacific cod may only be harvested by vessels which hold a valid LLP license and are endorsed to fish in that area for Pacific cod.

Vessels Earning Multiple Pacific Cod Endorsements: Vessels that qualify for a Pacific cod endorsement in more than one gear sector will be issued an endorsement for each sector for which they qualify. Endorsements that are earned by a vessel will be attached to that vessel’s general license. The Pacific cod endorsement(s) will not be severable from a general license, just as area endorsements are currently non-severable.

Vessels Less than or equal to 32' LOA: Vessels less than or equal to 32' LOA are exempt from the BSAI license limitation program and Pacific cod endorsements.

Bait Landings: Properly documented commercial bait landings will count towards the landings requirements for a Pacific cod endorsement. A Pacific cod endorsement is required to fish Pacific cod in the commercial bait fishery. In the future, status quo should be maintained for “personal use” bait without a Pacific cod endorsement.

Gulf of Alaska Issues: The Council also noticed industry that they will be considering rationalization options for the GOA P.cod fisheries at the June 2000 Council meeting (*see below*). As part of that motion, the Council also noticed industry that landings that take place after **April 16, 2000** may not count in any GOA rationalization programs considered by the Council.

The new P.cod endorsement program developed above as amendment 67 is not scheduled to be implemented until the 2002 fishing season.